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SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/50/3, 76, 83, 130, 131, A/50/138-S/1995/299, A/50/139, A/50/169-S/1995/343, A/50/215-S/1995/475, A/50/254-S/1995/501, A/50/267, 345, 407, A/50/425-S/1995/787, A/50/437, 475, 483, A/50/523-S/1995/845, A/50/673, A/50/675-S/1995/884, A/50/689-S/1995/890, A/50/707 and 758)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36 and A/50/743)

1. Mr. HAMIDA (Libyan Arab Jamahiriya) said that the promotion and protection of human rights should be carried out in accordance with the Charter of the United Nations. Some countries were using concern for human rights to carry out a political campaign against developing countries - particularly those whose policies differed from their own - in violation of Articles 1 and 2 of the Charter. No State had the right to impose its values and customs on other States.

2. The States which pursued such campaigns ignored the serious violations of human rights taking place in their own territory or in that of their allies. They should not forget that racism was rife in their countries, that they had been responsible for uprooting many peoples and leaving them dispossessed; nor should they forget the slave trade, in which they had been involved until quite recent times, and of which the effects were still felt. Those States should also bear in mind their colonialist past and stop playing the role of protectors of human rights.

3. Referring to the Secretary-General's note on the implementation of human rights instruments (A/50/505), he repeated his suggestion that the problem of seriously overdue reports could be resolved by increased communication with the countries in question in order to discover the causes of delay. Since the preparation of the reports imposed a heavy burden on developing countries, the possibility should be considered of a single report being prepared for all the bodies.

4. With regard to the reservations referred to in paragraph 17, he considered the practice should be allowed to continue, since it enabled States to ratify international instruments, and was an acknowledged right under treaty law.

5. Referring to paragraph 22, which called for a study on establishing an appropriate sui generis status for the treaty bodies in the United Nations system, he said he did not understand what was meant by such a status. Those bodies had been as established as entities independent from the United Nations and had a clear mandate. The Secretary-General was therefore only required to provide them with technical support.

6. Referring to the Secretary-General's note on the staff of the Centre for Human Rights (A/50/682), he said that the note made clear that the composition of the staff remained unchanged. In the Secretary-General's note on that question at the forty-ninth session, however, two thirds of Centre staff were reported to come from developed countries. He therefore requested the Secretary-General to ensure that the composition of the staff reflected the cultural diversity of the world.

7. Referring to the right to development, he stressed the importance of that right, which should be given due consideration by all United Nations bodies, since any progress in the protection and promotion of human rights depended on improvement in the social and economic living conditions of the individual.

8. The Libyan Arab Jamahiriya had ratified most of the international human rights instruments, and in 1988 had adopted the Green Document on Human Rights in the Age of the Masses, Libya, which guaranteed protection for human rights, reflecting his country's respect for the dignity of the individual as the basis for development of the people.

9. He wished to draw attention to the suffering caused to the Libyan people by the unjust imposition of the sanctions, which had endangered many innocent lives, particularly those of the most vulnerable members of society, in blatant violation of human rights guaranteed under international human rights instruments. He hoped that the United Nations would give that matter the attention it deserved, and would not continue to condone the effects such measures had on the most basic human rights of the Libyan Arab people.

The meeting was suspended at 11 a.m. and resumed at 11.25 a.m.

10. Mr. RI Song Il (Democratic People's Republic of Korea) said that, while the international community had worked consistently to promote and protect human rights since the adoption of the Universal Declaration of Human Rights almost 50 years earlier, many problems remained unresolved, particularly the

politicization of human rights issues. Certain States were guilty of double standards, using human rights questions as a pretext for exerting political and economic pressure upon some countries, while remaining silent about human rights violations by their allies. Though the right to development had been identified in the 1993 Vienna Declaration and Programme of Action as a fundamental human right, millions of people still lived in poverty. Even in those countries most vocal in their support for human rights and democracy, thousands of working people were afflicted by unemployment, crime and drug addiction.

11. The concept of human rights was relative, based on countries' characteristics, traditions and political philosophy. Accordingly, every country was entitled to determine its own approach to human rights questions, without interference in its internal affairs, which was often counterproductive.

12. His Government was guided by the Juche idea, a unique human-centred philosophy, and accordingly devoted all its efforts to enhancing the people's well-being. Life in the Republic was characterized by unity between the Party and the people. His country's experience had shown that only in a socialist society could human rights and dignity be guaranteed.

13. His country had recently been the target of unjust allegations by the south Korean authorities. Instead, south Korea should examine its own poor human rights record. Under the national security law, the south Korean people were deprived of the right to freedom of opinion and freedom of speech. Supporters of reunification had been arrested, tortured and even executed. He urged the Committee to give due regard to the human rights violations in south Korea and to the attempts by that country to misuse human rights issues for political confrontation between the north and south of Korea.

14. Mr. ABDELLAH (Tunisia) said that the body of international instruments adopted by the United Nations represented a remarkable contribution to the human rights field. Tunisia had ratified the major human rights instruments and conscientiously fulfilled its reporting obligations, demonstrating its commitment to human rights and fundamental freedoms. At the national level, Tunisia was striving to create a democratic, tolerant society in which the values enshrined in the human rights instruments could be translated into reality. Tunisia was in the process of adapting its national legislation to enable it to fulfil its international obligations.

15. Legislation could be effective only if it was complemented by measures to raise awareness of human rights. Indeed, one of the first tasks in emerging democracies should be the promotion of a human rights culture. Tunisia had incorporated human rights education into the curriculum of the entire education system.

16. Tunisia was deeply committed to the principle of tolerance. Therefore, his delegation wished to commend the clear and detailed interim report of the Special Rapporteur on the elimination of all forms of religious intolerance (A/50/440). Of particular importance were the Special Rapporteur's comments on the need to curb religious extremism (para. 77).

17. While human rights were of primordial importance for all humanity, each country's specificities must be taken into account. Human rights questions must be examined with impartiality, since failure to do so would be prejudicial to the aim of promoting human rights.

18. His Government was committed to realizing the full range of human rights since, as indicated in the Declaration on the Right to Development, political rights could not be guaranteed unless all citizens enjoyed an adequate standard of living. The Vienna Declaration and Programme of Action had represented a major step forward by recognizing the right to development as a fundamental human right. Subsequently, valuable guidelines for its realization had been formulated at the World Summit for Social Development. The High Commissioner for Human Rights had accorded great importance to the right to development, and Tunisia had noted with satisfaction his commitment to work towards its realization. Tunisia supported the conclusions of the Working Group on the Right to Development, which had identified a number of obstacles to the realization of that right: the destruction of the environment, the persistence of armed conflict and the high level of military spending. Tunisia was convinced that that primordial right could not be realized without international cooperation.

19. Ms. PHAM THI THANH VAN (Viet Nam) said the protection and promotion of human rights was primarily the responsibility of Governments, but no country could accomplish the huge task of guaranteeing political, civil, economic, social and cultural rights for its people unaided. International cooperation and dialogue was needed, in addition to technical and financial assistance and information from United Nations human rights bodies and other institutions. However, all action on human rights must be undertaken in accordance with the principles of international relations and in a spirit of mutual respect and understanding. Human rights should not be used to exert economic and political pressure on other countries or to interfere in their internal affairs.

20. Human rights could not be dissociated from the level of socio-economic development of a country, and differences in such development and their effect on national priorities must be recognized. Insufficient attention had been given to economic, social and cultural rights in developing countries, as a result of which breaches of those rights were treated tolerantly, and considered "inevitable", or the result of lack of democracy. However, any violations of civil or political rights in developing countries provoked expressions of outrage and often led to punitive action that had a negative effect on the country's economy and society. Objectivity was therefore essential, as was a balanced approach to human rights.

21. The Government of Viet Nam was serious about human rights, and aware that each State should promote and protect the human rights of its citizens through specific policies and measures. Much had been achieved in her country through its strategy for socio-economic development to the year 2000. Among its many achievements in recent years, she singled out Viet Nam's success in becoming self-sufficient in food production and the great strides it had made in building up a national legal framework. In that regard, the Government was conscious of the need to bring national law into line with international law, to the extent

that that was compatible with national historical, social and cultural conditions.

22. Since 1980, Viet Nam had acceded to eight international human rights instruments, including the two international Covenants on Human Rights, and was preparing for accession to further instruments.

23. Viet Nam was resolved to contribute to the common human rights cause of all peoples of the world through its attempt to build a society in which all were entitled to peace, independence, freedom, prosperity, justice and equity, and provided with conditions conducive to their all-round development. It would also contribute to the promotion and protection of human rights throughout the world through its policy of international dialogue and cooperation.

24. Ms. SAPCANIN (Bosnia and Herzegovina) said that her country would be remembered for the savage war waged by Serbian forces against its civilian population. The war had taken a toll of more than 200,000 lives and produced 2 million refugees and displaced persons, constituting a land-grab and aggression in violation of the Charter of the United Nations. The war would be remembered for the inexplicable failure by the international community to stop those crimes as well as the maintenance of the notorious arms embargo against the defenceless victim.

25. The Peace Agreement recently negotiated in Dayton, Ohio, offered the promise of settling the war in accordance with the principles of sovereignty, democracy and human rights. During the negotiations, however, the process of "ethnic cleansing" had continued uninterrupted, especially in the Banja Luka region. Concentration camps were still being operated in Bosnia and Herzegovina by the Pale Serbs, with unknown numbers subjected to torture, forced labour and, ultimately, death. Thousands of innocent people were still missing; and neither the Pale Serbs nor the Federal Republic of Yugoslavia had accounted for them, despite the commitments to that effect made in Dayton.

26. The full horror of the overrunning of the "safe areas" of Žepa and Srebrenica had yet to be properly investigated. As indicated in the report of the Secretary-General (S/1995/988), reports provided undeniable evidence of a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances. It was most disappointing that those indicted for war crimes remained free and that the Pale Serbs' paramilitary forces and the institutions that they headed still functioned unimpeded.

27. Many reports had confirmed that Serb militants had been responsible for nearly 90 per cent of the atrocities committed during the war. Nevertheless, the deeds of Serb political and military leaders did not make the Serbian people collectively guilty. It was therefore most important that individual accountability for the war crimes should be firmly established by the International Criminal Tribunal for the former Yugoslavia. Without justice there could be no reconciliation; and without reconciliation there could be no meaningful peace. All authorities must ensure compliance with international human rights obligations, including the monitoring mechanisms. Conditions must be created for the holding of free, fair and direct elections, in accordance

with the highest democratic standards and respect for the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and for the rights of all ethnic and religious groups. The return of all refugees and displaced persons to their homes must be ensured; the responsibility of the international community in that respect was immense.

28. Her delegation strongly endorsed the call by the Special Rapporteur for a firm commitment by the international community to the principle of multi-ethnic States. No final peace settlement could be brought about through the practice of "ethnic cleansing". Accordingly, conditions must be established for the safe and voluntary return of the refugees. The international community must ensure that the provision of any future assistance to the region depended upon fulfilment of those conditions. Any economic reconstruction must be linked to progress in human rights, which must be of paramount importance when considering the question of the lifting of sanctions.

29. Mr. PORTALES (Chile) said that the most significant achievement to date in the Organization's efforts to promote human rights had been the creation of the post of High Commissioner for Human Rights. His delegation was also encouraged to note the progress being made with regard to the rights of indigenous peoples and the rights of the child. Nevertheless, much remained to be done if the recommendations of the Vienna Declaration and Programme of Action were to be implemented. His delegation attached special importance to the strengthening of the system of special procedures, rapporteurs, experts and working groups; the implementation of the right to development; and the establishment of an international criminal court. The resources earmarked for the system of special procedures must be substantially increased. In addition, there was a need to publicize throughout the world the existence of such mechanisms. The fact that so few complaints were submitted was due not to a low incidence of violations, but rather to a lack of knowledge about the existence of the procedures. Obviously, as the volume of complaints increased, so would the need for additional resources.

30. With regard to the right to development, he stressed the need to set up a working group of the Commission on Human Rights to identify the obstacles to the universal implementation of that right. National development policies must be designed to promote economic growth, social justice and concern for the environment; at the same time, the international community must establish more equitable economic relations, bearing in mind the importance of protecting the global environment. That task went far beyond the capacity of the existing Working Group on the Right to Development. The activities of all United Nations bodies and specialized agencies dealing with economic, social and cultural issues should be coordinated by the Centre for Human Rights. Hence, what was needed was not so much an increase in resources as a better utilization of the available resources, with a view to giving due priority to the implementation of the right to development. The United Nations High Commissioner for Human Rights had a fundamental role to play in such an effort.

31. His delegation attached the utmost importance to the recommendation in the 1993 Vienna Declaration and Programme of Action concerning a permanent international criminal court. His Government had fully supported the establishment of the Tribunals for the prosecution of perpetrators of war crimes

or crimes against humanity in Rwanda and in former Yugoslavia; however, a permanent court was needed in order to consolidate that effort. A permanent court would operate on strictly judicial terms, be free from political pressure, and its work would enjoy unquestionable legitimacy. Moreover, the very existence of a criminal court would have a dissuasive effect in terms of preventing acts of State terrorism, war crimes, or crimes against humanity. The creation of such a court was one of the most constructive recommendations of the Vienna Conference.

32. Mr. GUBAREVICH (Belarus) said that the international community should focus its efforts on establishing the political conditions for guaranteeing at least minimal observance of human rights. Belarus believed that democracy was best suited to ensure overall protection of human rights. The international treaties that it had ratified had been incorporated into its domestic legislation and the Belarusian Constitution provided guarantees for the observance of human rights and basic freedoms. His country had held free presidential elections and was preparing for parliamentary elections to be conducted on a multi-party basis.

33. The building of a democratic society in Belarus, as in the other countries of the former Soviet Union, was a complicated task. Owing to the acute economic crisis, the State was unable to guarantee to a sufficient extent the protection of such inalienable rights as the right to work, the right to an adequate living standard and the right to housing or to protect the rights of many refugees and illegal immigrants in the country.

34. Nevertheless, Belarus was able to maintain a sufficiently high standard in protecting basic human rights. Non-governmental human rights organizations were being established, and the country's political climate was characterized by an almost total absence of extremist parties and movements. Laws had been enacted on national minorities, freedom of religion, foreigners, stateless persons and social protection. The State was endeavouring to minimize the unfavourable social impact of the transition to a market economy and at the same time maintain the sufficiently high level of medical care and education inherited from the Soviet period.

35. Belarus believed that only strict implementation with the Vienna Declaration and Programme of Action and other decisions taken at recent world conferences could maintain appropriate standards with regard to human rights. His country actively participated in the work of United Nations human rights bodies, particularly the Commission on Human Rights. The existing legal and institutional mechanisms were able to ensure protection of human rights provided that the good will of States was reflected in specific action.

36. Belarus attached particular importance to regional cooperation in the field of human rights. Its contacts with the Council of Europe were aimed at obtaining support for domestic initiatives to promote democratic values and protect human rights. His country was also developing cooperation in the field of human rights within the Commonwealth of Independent States. At the national level, his Government was focusing its efforts above all on carrying out the decisions of the World Summit for Social Development, which were the basis for implementing the entire range of social and political rights. Belarus was encountering its greatest difficulties precisely in that area. Its economy was

adapting to market conditions and was unable to generate the funds necessary for pursuing a guaranteed social-welfare policy.

37. Nevertheless, the State was doing everything possible to protect the most vulnerable groups of the population and was establishing the office of a human rights commissioner to monitor the observance of human rights standards. His country sought to develop a policy which would clearly define the responsibility of the State in protecting the basic rights of its citizens; and United Nations technical assistance would be very useful in that regard.

38. Belarus would do everything possible to support the Organization's efforts to protect human rights throughout the world.

AGENDA ITEM 107: ADVANCEMENT OF WOMEN (continued) (A/C.3/50/L.22)

Draft resolution A/C.3/50/L.22, entitled "International Research and Training Institute for the Advancement of Women"

39. Mr. TELLES RIBEIRO (Brazil), speaking on behalf of the original sponsors of the draft resolution and also Bangladesh and Kyrgyzstan, said that the text had been revised in the following way.

40. Paragraph 3 had been transferred to the preamble, to be inserted after the third preambular paragraph, with the necessary editorial changes. In paragraph 1 the word "equitable" had been replaced by the word "full", and in two other paragraphs, minor drafting changes had been made. Lastly, paragraph 5 had been revised to read: "Encourages the Institute to further develop active and close cooperation with the specialized agencies and related organizations of the United Nations system, and with other institutions such as universities and research institutions, so as to promote programmes that contribute to the advancement of women".

41. On behalf of the sponsors, he thanked the delegation of Spain, which had submitted the amendments, and commended the delegation of the Dominican Republic for its spirit of conciliation.

42. The CHAIRMAN announced that Burkina Faso, Burundi, Côte d'Ivoire, Ghana, Guinea and Indonesia had also become sponsors.

43. Draft resolution A.C.3/50/L.2[illegible], as orally revised, was adopted without a vote.

The meeting rose at 12.45 p.m.